

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 6, 2001  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:06 a.m. The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:15 p.m.

The meeting was reconvened simultaneously with the Redevelopment Agency by Mayor Murphy at 2:22 p.m. with all members present and Districts 6 and 8-vacant. Mayor Murphy adjourned the meeting at 5:28 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Vacant
- (7) Council Member Madaffer-present
- (8) Vacant

Clerk-Abdelnour (pr/ew)

FILE LOCATION:                      MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Vacant
- (7) Council Member Madaffer-present
- (8) Vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO THE CITY MANAGER**

Comment by Jutta Winkler regarding a fall and injury she sustained within the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A016-054.)

PUBLIC COMMENT-2:

Comment by Beverly Sokolis regarding De Anza Cove, and her request for help to remain a resident there.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-084.)

**PUBLIC COMMENT-3:**

Comment by Steve McWilliams regarding his use of medical marijuana, and the injuries he sustained in a car crash.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A084-130.)

**PUBLIC COMMENT-4:**

Comment by Kathleen Blavatt regarding development and redevelopment. Ms. Blavatt expressed she felt that the City is trying to go on a fast track to become like San Francisco, while throwing away key elements such as art.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A130-157.)

**PUBLIC COMMENT-5:**

Comment by Fred Williams regarding the City Information System and the City's web-site. Mr. Williams wished to express that he was disappointed and felt the City's web-site did not offer much for the residents of San Diego to interact with City Government.

Mayor Murphy suggested that during the Special Workshop on the budget in February, the Council go through the process this cycle before changing the format regarding eGovernment.

City Manager Uberuaga stated the City budget is online, and that simplified versions for the public to understand regarding, e.g., sewer and water, and the police will be worked on.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A157-199; A209-214; A215-229.)

PUBLIC COMMENT-6:

Comment by Ron Boshun regarding the behavior of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A266-274.)

PUBLIC COMMENT-7:

Comment by Daniel Beeman regarding Transit Occupancy Tax, and his feeling that the public doesn't have a clear understanding of what TOT is.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A275-322.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER**

Comment by Beverly Walker that she is in favor of building a new Padres Ballpark, but does not want it to be at the expense of the disabled community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A322-387.)

COUNCIL COMMENT:

ITEM-CC-1: **REFERRED TO THE CITY MANAGER**

Comment by Council Member Peters asking that issues of usefulness of the eGovernment initiatives, and also the difficulty in understanding budgets whether offline or online be addressed by the City Manager.

Council Member Peters expressed he needs to let his Pastor know that he will not be attending Church this Sunday due to having the pleasure of serving as Honorary Race Director for the Torrey Pines 5K "Race for Knowledge." Council Member Peters expressed that "Race for Knowledge" is in its fifteenth year and benefits the Torrey Pines High School, and libraries City wide.

Lastly, Council Member Peters wished to recognize a very important birthday today; that being Council Member George Steven's Birthday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A240-249; A496-517.)

ITEM-CC-2:

Comment by Council Member Madaffer suggesting at a future Rules Committee Meeting, and once Council has a report that is underway from IT&C and DPC, to look at the points Council Member Peters made regarding the delivery of a real time format for projects on-line.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A249-259.)

ITEM-CC-3:

Comment by Council Member Wear that for the record the City of San Diego has spent 3.5 billion dollars for water and sewer upgrades; ten times the cost of a Ballpark.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A260-264.)

ITEM-CC-4: **REFERRED TO THE CITY MANAGER**

Comment by Council Member Atkins wishing to make sure that the Ballpark Project is being reviewed regarding ADA issues. Ms. Atkins requested the City Manager provide a written response to two other ADA issues mentioned during Ms. Walker's Non-Agenda Comment as follows: 1. The Balboa Park Activity Center; and 2. The Blind Recreation Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A267-315; A454-490.)

ITEM-CC-5:

Comment by Council Member Stevens asking why hasn't the Ballpark plans gone before the Citizen's Review Committee regarding ADA issues.

Deputy City Manager Bruce Herring stated he did plan on taking ADA issues through the review process, and he has talked to staff regarding that.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A316-432.)

**ITEM-CC-6:**

Comment by Council Member Maienschein wishing to publically thank the outgoing President of the Town Council for Mira Mesa, Keith Flitnor, for his dedication and service to the community. Council Member Maienschein also wished to take the opportunity to recognize and welcome new members of the Mira Mesa Town Council, and to let them know how much their time and willingness to get involved is appreciated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A528-532.)

**ITEM-CC-7:**

Comment by Council Member Peters recognizing and welcoming 6 Saudi Arabian Naval Officers who are visiting as part of a Navy program and acknowledging the Program Director Marilyn Johns.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D004-019.)

**ITEM-330: Hidden Trails.**

Matter of approving, conditionally approving, modifying, or denying a Progress Guide and General Plan and Otay Mesa Community Plan Amendments, adoption of a Precise Plan, a MHPA boundary adjustment and a proposed 233-lot subdivision of a 207.7 acre site for 205 single-family residences, 224 multi-family dwelling units, a park site, open space, a vernal pool area and public streets within the existing A1-10 (proposed rezoning to R1-5000 and R-1500) zones, and a Planned Residential Development and Resource Protection



Ordinance Permit, for property located on the east side of Ocean View Hills Parkway between Lyndhurst Terrace and Del Sol Boulevard in the Otay Mesa Community Plan area.

(89-0739/CPA/VTM/RPO/PRD/Precise Plan & MHPA Boundary Adjustment. Otay Mesa Community Plan area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in subitems A and B; adopt the resolution in subitem D to grant the permit; adopt the resolution in subitem E to grant the map; and introduce the ordinance in subitem C:

Subitem-A: (R-2001-1085) ADOPTED AS RESOLUTION R-294520

Adoption of a Resolution certifying that the information contained in Environmental Impact Report (EIR) LDR-89-0739 has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 and State CEQA guidelines, and that said EIR reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered by the Council prior to approving the project; that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project; and adopting the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (R-2001-1086) ADOPTED AS RESOLUTION R-294521

Adoption of a Resolution approving Amendments to the Otay Mesa Community Plan, including MHPA Boundary Adjustment; adopting the Hidden Trails Precise Plan; and adopting an amendment to the Progress Guide and General Plan.

Subitem-C: (O-2001-111) INTRODUCED, TO BE ADOPTED TUESDAY,  
FEBRUARY 20, 2001

Introduction of an Ordinance changing 207.7 acres, located on the east side of Ocean View Hills Parkway between Del Sol Boulevard and Lyndhurst Terrace,

in the Otay Mesa Community Plan area from the AR-1-1 zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] zones) to the RS-1-14, RM-2-5, OP-2-1 and AR-1-1 zones (previously referred to as the R1-5000, R-1500, OS, and A1-10 zones); and repealing Ordinance No. 10862 (New Series) and Ordinance No. 12704 (New Series) insofar as the same conflict herewith.

Subitem-D: (R-2001- ) GRANTED PERMIT; ADOPTED AS RESOLUTION R-294522

Adoption of a Resolution granting or denying Resource Protection Ordinance and Planned Residential Development Permit No. 89-0739, with appropriate findings to support Council action.

Subitem-E: (R-2001- ) GRANTED MAP; ADOPTED AS RESOLUTION R-294523

Adoption of a Resolution granting or denying Vesting Tentative Map (VTM) 89-0739, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 30, 2000, voted 5 - 0 to approve; no opposition.

Ayes: Butler, Skorepa, Steele, Brown, Stryker.

Recused: Anderson, Garcia.

The Otay Mesa Community Planning Group, by a vote of 12-0-2 on September 20, 2000, has recommended approval of the project.

**SUPPORTING INFORMATION:**

The project proposes the subdivision and development of a 207.7 acre land area into 233-lots (205 single-family residential, 1-lot for 224 multiple-family residences, a park site and lots for open space and other subordinate uses). The project is located in the Otay Mesa Community Plan area generally east of Ocean View Hills Parkway between Lyndhurst Terrace and Del Sol Boulevard in the A1-10 and HRO (proposed RS-1-14, RM-2-5, OP-2-1 and AR-1-1) zones. The site is bounded by existing developed, developing and approved residential projects with an industrial park to the southeast. A Resource Protection Ordinance and Planned Residential Development Permit would regulate subsequent buildout of the project components.

The Planning Commission considered this project on November 30, 2000, and voted 5-0 (Anderson and Garcia recused) to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-00-207. The Planning Commission's recommendation also included the addition of a condition to the draft RPO/PID Permit No. 98-0978 for the inclusion of non-contiguous sidewalks unless physical circumstances would preclude their use and to also provide an additional 24 multi-family dwelling units, at the applicants option, if an agreement is made with the Housing Commission to provide Affordable Housing. Staff supports the addition of these conditions.

There was no opposition to this project at the Planning Commission hearing.

The City Manager recommends that the City Council approve the requested Amendments to the Progress Guide and General Plan and the Otay Mesa Community Plan, approve the Hidden Trails Precise Plan, adopt the Rezone Ordinance, approve the Vesting Tentative Map, approve the Resource Protection Ordinance and Planned Residential Development Permit Nos. 89-0739, and approve the MHPA Boundary Adjustment. The City Council must first certify the Environmental Impact Report, LDR-89-0739 and adopt the MMRP.

**FISCAL IMPACT:**

None.

All costs associated with the project are recovered from a deposit provided by the applicant.

Loveland/Christiansen/RMK

**LEGAL DESCRIPTION:**

The proposed project is located approximately one mile east of Interstate 805 between Otay Valley Road to the north and Interstate 905 to the south and is more particularly described as portions of Sections 19, 29, and 30, T18S, R1W, SBBM.

**FILE LOCATION:**

SUBITEMS A, B, D & E: LAND-Otay Mesa-Hidden Trails  
(10)

SUBITEM C: None

COUNCIL ACTION: (Tape location: B100-282.)

Hearing began at 11:00 a.m. and halted at 11:11 a.m.

Testimony in favor by Jeff Barfield.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND TO GRANT THE MAP. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-331: McMillin Torrey Highlands.

Matter of approving, conditionally approving, modifying or denying a 155-lot subdivision of a 78.4 acre site and rezone from A1-10/HRO to the A1-10 (AR-1-1) and R1-5000/HRO (RS-1-14) to enable the development of 142 single-family residential units, one lot for 26 affordable multi-family dwelling units, open space and brush management lots, on-site mitigation lots and future freeway right-of-way. The site is located between the future State Route 56 Freeway and Street "A" westerly of the future Camino Ruiz within the boundaries of the Torrey Highlands Subarea IV Plan Area.

(VTM/PRD/RPO/RZ-98-1177. District-1. Torrey Highlands Subarea IV Plan Area.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the permit; adopt the resolution in subitem D to grant the map; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-1076) ADOPTED AS RESOLUTION R-294524

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration (MND) LDR-98-1177 has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 and

State CEQA guidelines, and that said MND reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP).

Subitem-B: (O-2001-110) INTRODUCED, TO BE ADOPTED TUESDAY,  
FEBRUARY 20, 2001

Introduction of an Ordinance changing 39.6 acres, located between the proposed street "A" and State Route 56 westerly of Camino Ruiz, in the Torrey Highlands Subarea IV Plan Area, in the City of San Diego, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the RS-1-14 Zone (previously referred to as the R1-5000 and HRO Zones), as defined by San Diego Municipal Code Section 131.0403 (previously found in Sections 101.0407 and 101.0454); and repealing Ordinance O-8858 (New Series), adopted July 18, 1963, and Ordinance O-12657 (New Series), adopted May 22, 1979, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (R-2001- ) GRANTED PERMIT; ADOPTED AS RESOLUTION  
R-294525

Adoption of a Resolution granting or denying a Resource Protection Ordinance and Planned Residential Development Permit No. 98-1177.

Subitem-D: (R-2001- ) GRANTED MAP; ADOPTED AS RESOLUTION  
R-294526

Adoption of a Resolution granting or denying Vesting Tentative Map VTM-98-1177.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Anderson, Brown, Butler, Garcia, Skorepa, Stryker  
Nays: None  
Recused: Steele

There is no officially recognized community planning group for this area.

The following community group has taken a position on the item: Rancho Penasquitos Planning Board, on 11-01-2000, in favor: 14, opposed: 0.

**SUPPORTING INFORMATION:**

This project proposes the subdivision and development of a 78.4 acre land area into 155-lots (142-single-family residential, 1-affordable housing site and 12-lots for open space, freeway R.O.W., Brush Management and a mitigation bank). Located in the Torrey Highlands Subarea IV Plan area generally west of Camino Ruiz between McGonigle Canyon/Route 56 and the proposed "A" Street in the A1-10 and HRO (39.6 acres proposed for the RS-1-14) zone. The site is bounded by open space to the north and west, an approved residential map to the south and proposed development projects to the east. A Resource Protection Ordinance and Planned Residential Development Permit would regulate subsequent buildout of the project components.

The Planning Commission considered this project on November 30, 2000, and voted 6-0 (Steele recused) to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-00-206. The Planning Commission's recommendation also included the addition of revised design guidelines for the residential products; the applicant has since provided this as directed. The draft Permit and VTM resolution attached to the Planning Commission Report, contain revised conditions agreed to by City staff and the applicant following the Commission Hearing. These changes were non-substantial and clarified the City staff intent.

There was no opposition to the project. The Rancho Penasquitos Planning Board, as the representatives of the neighboring community, voted 14-0-0 on November 1, 2000, to recommend approval of the project.

The City Manager recommends that the City Council adopt the Rezone Ordinance, approve the Vesting Tentative Map, approve the Resource Protection Ordinance and Planned Residential Development Permit Nos. 98-1177. The City Council must first certify the Mitigated Negative Declaration, LDR-98-1177 and adopt the MMRP.

**FISCAL IMPACT:**

None.

All costs associated with the project are recovered from a deposit provided by the applicant.

Loveland/Christiansen/RMK

**LEGAL DESCRIPTION:**

The property is in the south portion of the Torrey Highlands Subarea (Subarea IV of the North City Future Urbanizing Plan Area) north of street A and west of Camino Ruiz and is more particularly described as a portion of Parcel 4, Map 8133.

FILE LOCATION: SUBITEMS A, C, & D: PERM-98-1177 (65)  
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: B284-376.)

Hearing began at 11:11 a.m. and halted at 11:20 a.m.

Testimony in favor by Jim Dawe, John Leppert, and Daniel Beeman.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND TO GRANT THE MAP. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-332: San Pasqual Mule Hill Trail Site Development Permit (SDP).

Matter of the appeal of San Dieguito River Park JPA, applicant for the project, from the decision of the Planning Commission in approving an application for a Site Development Permit (SDP) to construct a 9.4-mile hiking trail for hikers, bikers and equestrians, on 20.5 acres within the San Pasqual-Lake Hodges Planning area. The project site is generally located in the San Pasqual Valley to the east of I-15, south of Via Rancho Parkway and Highway 78 and north of Highland Valley and Bandy Canyon Roads.

(SDP-40-0711. San Pasqual-Lake Hodges Community Plan area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to grant the appeal as it pertains to modifying Condition 54 in SDP-40-0711 for posting of signs and as it pertains to the deletion of Condition 56 in SDP-40-0711 with conditions, and deny the appeal as it pertains to a waiver of processing fees, and grant the permit:

Subitem-A: (R-2001- ) ADOPTED AS RESOLUTION R-294527

Adoption of a Resolution stating for the record that the City of San Diego as Responsible Agency under CEQA has reviewed and considered the Final Mitigated Negative Declaration (FMND) dated 6/8/2000, prepared by the San Dieguito River Park Joint Powers Authority (JPA).

Subitem-B: (R-2001- ) GRANTED APPEAL; REFERRED PROCESSING FEES TO THE CITY MANAGER; GRANTED THE PERMIT;ADOPTED AS RESOLUTION R-294528

Adoption of a Resolution granting or denying the appeal as it pertains to modifying Condition 54 in SDP-40-0711 for posting of signs and as it pertains to the deletion of Condition 56 in SDP-40-0711 with conditions, and granting or denying the appeal as it pertains to a waiver of processing fees, and granting or denying SDP-40-0711, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 4, 2001, voted 5 - 0 to approve Site Development Permit SDP-40-0711 with conditions; no opposition.

Ayes: Butler, Steele, Brown, Skorepa, Stryker

Not present: Anderson, Garcia

The San Pasqual-Lake Hodges Community Planning Group voted 5-0-0 to recommend approval of the proposed Site Development Permit.

**SUPPORTING INFORMATION:**

This project is located in the San Pasqual Valley to the east of I-15, south of Via Rancho Parkway and Highway 78 and north of Highland Valley and Bandy Canyon Roads in the San



Pasqual - Lake Hodges Planning Area. The project being proposed by the Joint Powers Authority (JPA) is a trail for hikers, bikers, and equestrians on a 20.5 acre site. The project first appeared at Planning Commission on December 14, 2000, with a recommendation by staff to deny the project. This staff recommendation was based on a lack of basic information from the customer to adequately complete staff review and on unresolved issues with the project design. The project was continued. The staff received the needed information, worked with the JPA to resolve the access issues and subsequently recommended project approval. The Planning Commission approved the project on January 4, 2001. The applicant is now appealing the project to delete condition 56 of the permit (requiring the JPA to provide, maintain and store an emergency response vehicle). They also request that the City pay for the JPA's permit processing fees.

**FISCAL IMPACT:**

None.

All costs associated with processing this project are recovered from a separate deposit provided by the applicant.

Loveland/Christiansen/Osby/MED

**LEGAL DESCRIPTION:**

The project site is generally located to the east of I-15, south of Via Rancho Parkway and Highway 78, and north of Highland Valley and Bandy Canyon Roads and is more particularly described as San Pasqual Valley within the San Pasqual-Lake Hodges Community Planning area.

Hearing began at 11:20 a.m. and halted at 11:31 a.m.

Testimony in opposition by Dick Bobertz.

FILE LOCATION: SUBITEMS A & B: PERM-40-0711 (65)

COUNCIL ACTION: (Tape location: B388-C014.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTIONS TO GRANT THE APPEAL OF THE SAN DIEGUITO RIVER PARK JPA PERTAINING TO MODIFYING CONDITION 54 IN SDP-40-0711, POSTING OF SIGNS, AND TO THE

DELETION OF CONDITION 56 IN SDP-40-0711. TO REFER TO THE CITY MANAGER THE ISSUE OF WAIVING THE PROCESSING FEES, AND TO GRANT THE PERMIT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-333: Challenge to the Election of Betty Ens as Residential Tenant/Marina District - Project Area Committee.

(See memorandum from CCDC dated 1/8/2001. Centre City Redevelopment Project Area. Districts-2, 3, and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1002) CONTINUED TO TUESDAY, MARCH 6, 2001

Ratifying the election results of November 14-16, 2000, for the Project Area Committee for the Centre City Redevelopment Project Area.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A474-B099.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY, MARCH 6, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-334: Carroll Canyon Business Park Rezoning.

(RZ-98-0978. Mira Mesa Community Plan Area. District-5.)

(Continued from the meeting of January 9, 2001, Item 53, at the request of Councilmember Maienschein for further discussion between all involved parties.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/12/2000. (Council voted 6-2. Councilmembers Peters, Wear, Atkins, Stevens, Maienschein, and Madaffer voted yea. Councilmembers Stallings and Mayor Murphy voted nay. District 8 vacant.):

(O-2001-80 ) CONTINUED TO MONDAY, MARCH 5, 2001

Rezoning 57.8 acres, located on the west and east side of Camino Ruiz along the proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the IL-2-1 Zone (previously referred to as the M-1B and HRO Zones).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A474-B099.)

MOTION BY MAIENSCHIEN TO CONTINUE THIS ITEM TO MONDAY, MARCH 5, 2001, TO ALLOW THE SETTLEMENT CONFERENCE WITH CEQA TO GO FORWARD. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-S500: Two actions related to Ratification, Validation, or Readoption of Ordinances and Resolutions Related to the Ballpark and Redevelopment Project.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance in Subitem A and continue the resolution in Subitem B until the ordinance comes back to Council for adoption:

Subitem-A: (O-2001-114) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MARCH 6, 2001

Introduction of an Ordinance readopting, validating or ratifying as necessary the following ordinances to reaffirm their validity, and the validity of the contracts and agreements authorized by them, commencing with their respective times of adoption, and to effectuate their continuing validity, and the validity of the contracts and agreements authorized by them: O-18747;

All other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorizations given by each of the Ordinances, and all other acts of the City, the City Council, and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Ordinances, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Authorizing the City Manager, City Attorney, City Clerk, and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this ordinance;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including but not limited to hotel rooms, transient occupancy taxes and the investment from the Unified Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project.

Subitem-B: (R-2001-1104) CONTINUED TO TUESDAY, MARCH 6, 2001

Readopting, validating or ratifying as necessary the following resolutions to reaffirm their validity, and the validity of the contracts and agreements authorized

by them, commencing with the respective times of adoption, and to effectuate their continuing validity, and the continuing validity of the contracts and agreements authorized by them: Nos. R-292298; R-292440; R-292441; R-292333; R-292615; R-292697; R-292698; R-292699; R-292700; R-292701; R-292702; R-292703; R-292706; R-292707; R-292800; R-293854; and R-294389;

Declaring that all other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorization given by each of the Resolutions, and all other actions of the City, the City Council and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Resolutions, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including, but not limited to, hotel rooms, transient occupancy taxes, and the investment from the Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project;

Authorizing the City Manager, City Attorney, City Clerk and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this resolution.

**SUPPORTING INFORMATION:**

As directed by the City Council on January 30, 2001, the City Attorney has prepared the necessary action items to ratify and validate previous actions of the City Council authorizing Contracts and Agreements related to the Ballpark and Redevelopment Project. Before the Council today for consideration is one Ordinance of the City, one Resolution of the City, and

one Resolution of the Redevelopment Agency, each of which constitutes a ratification of a listed number of Ordinances and Resolutions which previously authorized Contracts and Agreements. The only action recommended for the meeting of February 6, 2001, is the introduction of the City Ordinance; it is recommended that the Resolutions be continued until the Ordinance comes back to Council for adoption so that a single adoption date will exist for each action.

Also as directed, the City Manager and City Attorney will present a comprehensive status report on the Project, including a review of each of the Contracts and Agreements that will be ratified and the circumstances of their original approval. Each of the prior Ordinances and Resolutions, including the Contracts and Agreements they authorized, will be available to the public prior to and at the Council session, and will be provided under separate cover to the City Council prior to the session.

Girard

FILE LOCATION: SUBITEMS A & B: NONE.

COUNCIL ACTION: (Tape location: C119-C401; D020-H259.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND TO COME BACK FOR ADOPTION ON TUESDAY, MARCH 6, 2001; AND TO CONTINUE THE RESOLUTION TO TUESDAY, MARCH 6, 2001, SO THAT THEY MAY BE CONSIDERED AT THE SAME TIME, AS RECOMMENDED BY THE CITY ATTORNEY. Second by Stevens. No vote taken.

Trailed to afternoon session.

VOTE ON ORIGINAL MOTION. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 5:28 p.m. in honor of the memory of Michael Rafflesberger as requested by Council Member Wear.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: H260-266).